

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,721	01/27/2004	Daniel Matern	056982/00040	3454
7590 10/23/2006			EXAMINER	
Kramer Levin Naftalis & Frankel LLP			FLEMING, FAYE M	
919 Third Avenue New York, NY 10022		ART UNIT	PAPER NUMBER	
			3616	
		DATE MAILED: 10/23/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Comments	10/766,721	MATERN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Faye M. Fleming	3616				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on						
	·					
,						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-28</u> is/are pending in the application	4) Claim(s) 1-28 is/are pending in the application.					
4a) Of the above claim(s) <u>9 and 23</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-4 and 15-17</u> is/are rejected.						
7)⊠ Claim(s) <u>5-8,10-14,18-22 and 24-28</u> is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
Information Disclosure Statement(s) (PTO/SB/08) Statement(s) (PTO/SB/08						

Application/Control Number: 10/766,721

Art Unit: 3616

DETAILED ACTION

Election/Restrictions

 Applicant's election without traverse of Species I in the reply filed on July 29, 2006 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (6,948,721). Lee discloses an air-suspension system for a vehicle comprising a compressed-air delivery 18 device, a plurality of air-suspension bellows (not shown), valves 40 constructed and arranged for controlling the filling of at least one of the air-suspension bellows with compressed air from the compressed-air delivery device, the arrangement of the valves defining a plurality of states, and means for automatically controlling the effective delivery capacity of the compressed-air delivery device as a function of a state of the plurality of states defined by the arrangement of the valves. The means for automatically controlling the

effective delivery capacity of the compressed-air delivery device includes means for controlling at least one of speed and rpm of the compressed-air delivery device see paragraph [0021]. Lee teaches one vent port 14 for controlling the effective delivery capacity of the compressed-air delivery device by venting compressed air to atmosphere.

With respect to claims 1-4, Lee teaches the method for operation of an air suspension system as disclosed above.

Allowable Subject Matter

4. Claims 5-8, 10, 11-14, 18-22 and 24-28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/766,721

Art Unit: 3616

Page 4

Information regarding the status of an application may be obtained from the Patent Application
Information Retrieval (PAIR) system. Status information for published applications may be obtained from
either Private PAIR or Public PAIR. Status information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at
866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or
access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fave M. Fleming

Art Unit 3616